



COUNTY ADVISORY BULLETIN

CAB

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JAIL COMMISSARIES (SUBSTITUTE HOUSE BILL 480)

INTRODUCTION

Sub. H.B. 480, sponsored by the Honorable Representative Rick Hodges (82nd District), established a prisoner reimbursement mechanism or “jail pay-for-stay” that county commissioners and sheriffs could implement in lieu of the judicial reimbursement mechanism that was in existing law. The bill also authorized local correctional facilities to charge non-indigent prisoners fees for medical treatment or services and authorized local correctional facilities (jails, workhouses, community based correctional facilities, and so forth) to operate commissaries. Although many local correctional facilities already operate commissaries, the bill codifies their existence while also requiring the Auditor of State to promulgate guidelines on how commissaries should be operated and how the revenue generated from a commissary should be used. You may recall Sub. H.B. 480 became effective on October 16, 1996. CCAO bulletin CAB 97-1, February 18, 1997 summarized the “pay-for-stay” and medical fee provisions of the bill. This CAB focuses on the commissary portions of the bill and summarizes the commissary rules promulgated by the Auditor of State Office.

OHIO REVISED CODE REFERENCES TO COMMISSARY PROVISIONS

The table below provides the references for the various county correctional facilities affected by the commissary provisions in Sub. H.B. 480.

Type of Facility	Authorizing ORC Section
County Jail	341.25

Multi-County Correctional Center Municipal-County Correctional Center Multi-County/Municipal Correctional Center	307.93(G)
Community Based Correctional Facility District Community Based Correctional Facility	2310.58

BASIC PROVISIONS OF THE LAW ON COMMISSARIES

- A commissary may be established by the sheriff (county jail), corrections commission (multi-county facility), or by the director of a CBCF.
- The commissary may be operated either in-house or by another arrangement. Generally another arrangement means contracting with a private vendor to provide commissary services.
- If a commissary is established all persons incarcerated must be allowed commissary privileges.
- An individual account must be maintained for each person showing all receipts and expenditures from the individual account.
- The commissary must provide necessary hygiene articles and writing materials to indigent persons.
- If a commissary is established, then a commissary fund must be established.
- The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the Auditor of State.
- Commissary fund revenue over and above operating costs and reserve shall be considered profits.
- Profits must be used to purchase supplies and equipment that benefit incarcerated persons.
- The sheriff (county jail), corrections commission (multi-county facility), or the CBCF director must adopt rules and regulations for the operation of the commissary fund.

AUDITOR OF STATE POLICIES FOR COMMISSARIES AND INMATE FUNDS

As stated previously Sub. H.B. 480 gave the Auditor of State the authority to adopt procedures for the management of commissary funds. Auditor of State Bulletin 97-011 issued July 2, 1997 details the provisions of Sub. H.B. 480 and includes a list of accounting policies and procedures for commissary funds. The bulletin also contains a series of

suggested forms to use to comply with the policies and procedures. The remainder of this bulletin provides a summary of the major policies as set forth in the Auditor of State's bulletin.

- The director of the correctional facility must adopt rules and regulations for the operation of any commissary fund that is established. Several factors should be considered when adopting these rules and regulations such as the days and hours of operation; the method by which orders and purchases are made by inmates; times and dates family members can make deposits into the inmate's account; and a definition of what constitutes an indigent inmate for commissary purposes.
- In order to account for each inmate's money, both receipt and expenditure, an individual inmate account shall be established.
- Medical expenses requested by an inmate can be directly deducted from their commissary accounts if sufficient funds exist.
- If the inmate has no funds in their account, a deduction may be made at a later date during the person's confinement if funds become available in the person's account. If the person is released from the correctional facility and has an unpaid balance of medical fees, the person may be billed for payment of the remaining unpaid fees.
- An accounts receivable ledger shall be maintained to account for the cost of medical expenses when there is insufficient money in the inmate individual account at the time the cost is incurred.
- Proper documentation shall be maintained on all sales to the inmates.
- Accounting for the activity of the inmate's monies shall be maintained in an inmate cash book established by the correctional facility. The cash book shall be balanced monthly with the depository account and reviewed by a person other than the person who makes the deposits and/or maintains the cash book. In addition, the cash book shall be reconciled with the individual inmate accounts on a monthly basis.
- A commissary fund must be established for the accounting of moneys received from sales to inmates, purchasing of merchandise, and payments of inmate medical expenses. This fund shall be established as a special revenue fund on the books of the fiscal officer or agent.
- The correctional facility shall maintain a monthly inventory record.
- Profits from the commissary fund shall be spent in accordance with the provisions of Sub. H.B. 480. As stated previously, commissary fund revenue over and above operating costs or the reserve are considered profits which must be used to

purchase supplies and equipment for the benefit of persons incarcerated in the facility

ACKNOWLEDGMENT

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